

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDRA

Crl.O.P.No.8316 of 2018

Aasha Soundariya

... Petitioner/Accused

/Vs/

The State Rep.by,
The Inspector of Police,
R-2 Kodampakkam Police Station,
Chennai
(Crime No.1025/2017)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under section 439(1)
(b) seeking to modify the condition imposed by the learned XVII
M.M.Saidapet, Chennai in M.P.No.2975 of 2017 dated 20.07.2017.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

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O R D E R

The petitioner seeks modification of the order passed in
M.P.No.2975 of 2017 dated 20.07.2017 passed by the XVII
Metropolitan Magistrate at Saidapet, Chennai.

2. The petitioner was arrested and remanded to judicial
custody on 03.07.2017 for offence under section 379 of I.P.C on
the file of the respondent police.

3. Heard both sides.

4. The learned counsel for the petitioner would submit that
he moved a bail petition before the XVII Metropolitan Magistrate
at Saidapet, Chennai in M.P.No.2975 of 2017 and bail was granted
on 20.07.2017. One of the conditions imposed by the learned
Metropolitan Magistrate is, that the petitioner/accused shall
deposit a sum of Rs.25,000/- as deposit amount (two document
surety one is preferably blood relative surety).

5. The learned counsel for the petitioner would submit that the condition imposed by the learned Metropolitan Magistrate is onerous and erroneous and that the petitioner being a lady is unable to mobilise the amount of Rs.25,000/- and thereby she is suffering incarceration inspite of the fact that bail was granted by the learned XVII Metropolitan Magistrate at Saidapet, Chennai, as early as on 20.07.2017. However, with regard to other conditions she is prepared to comply with the same and prays that the condition directing the deposit of Rs.25,000/- may be modified.

6. Taking into consideration the facts of the case and also the submissions made by the learned counsels and taking note of the fact that the petitioner has been in custody since 20.06.2017, the condition directing the petitioner to deposit an amount of Rs.25,000/- alone is hereby set aside. All other conditions stand unaltered. This petition is ordered accordingly.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The XVII M.M.Saidapet, Chennai.

2. The Inspector of Police,
R-2 Kodampakkam Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Nirmal Krishnan, Advocate, S.R.No.24431

CrI.O.P.No.8316 of 2018

RRK(10/04/2018)